

09-51983

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

Robert M. Curry
398 Ira Lewis Drive
Lexington, NC 27295

Sherri W. Curry
398 Ira Lewis Drive
Lexington, NC 27295

SS# xxx-xx-9899SS# xxx-xx-2695

Debtor(s)

Case No. _____

Chapter **13**

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on September 28, 2009.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

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CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of \$3,200.00 per month for a period of 60 months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☒ The attorney for the Debtor will be paid the base fee of \$3,000.00. The Attorney has received \$0.00 from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.
- 2. Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Davidson County Tax Collector	\$0.00
IRS	\$0.00
North Carolina Department of Revenue	\$0.00

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IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Newbridge Bank	RESIDENCE: 3 Bedroom, 3 1/2 bath log house located at 398 Ira Lewis Drive, Lexington, NC	R	N	\$723.00	\$5,880.00	
Newbridge Bank	RESIDENCE: 3 Bedroom, 3 1/2 bath log house located at 398 Ira Lewis Drive, Lexington, NC	R	N	\$1,537.06	\$6,252.82	

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
BB & T	2003 Chevrolet Truck	\$14,085.00	Y	\$0.00	\$140.85	\$403.09	4.5%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

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V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 46 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms

Date: September 28, 2009

/s/ Brian P. Hayes

Brian P. Hayes 27017

Attorney for the Debtor

Address: **PO Box 444
Concord, NC 28026-0444**

Telephone: **704-788-3211**

State Bar No. **27017**

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AND
PROPOSED PLAN**

Case No. _____

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402**

**Kathryn L. Bringle
Chapter 13 Trustee
Winston-Salem Division
Post Office Box 2115
Winston-Salem, NC 27102-2115**

**American Express
P.O. Box 981540
El Paso, TX 79998-1540**

**BB & T
P.O. Box 580002
Charlotte, NC 28258**

**Brinkley Walser
P.O. Box 1657
Lexington, NC 27293-1657**

**Capitol One
P.O. Box 30281
Salt Lake City, UT 84130**

**Davidson County Tax Collector
Governmental Building
913 Greensboro St.
Lexington, NC 27292**

**Disney Movie Club
P.O. Box 758
Neenah, WI 54957-0758**

**Encore Receivable Management Inc.
P.O. Box 3330
Olathe, KS 66063-3330**

**First Bankcard of Omaha
POB 3412
Omaha, NE 68197**

**Frederick J. Hanna & Assoc. P.C.
1427 Roswell Road
Marietta, GA 30062**

**GEMB/JC Penny DC
P.O. Box 981424**

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El Paso, TX 79998

**IRS
Special Procedures
320 Federal Place, Room 335
Greensboro, NC 27409**

**Local Gov't FCU
P.O. Box 1085
Salisbury, NC 28145**

**Mark R. Cowan DMD, PA
P.O. Box 1107
Lexington, NC 27292**

**Merchants & Medical Credit Corp.
6324 Taylor Drive
Flint, MI 48507-4685**

**Newbridge Bank
P.O. Box 867
Lexington, NC 27295**

**Newbridge Bank
38 W. First Avenue
Lexington, NC 27295-2435**

**Newbridge Bank
38 W 1st. street
Lexington, NC 27295**

**North Carolina Department of Revenue
PO Box 25000
Raleigh, NC 27640**

**North Shore Agency
270 Spagnoli Road
Melville, NY 11747**

**Norvant Medical Group
1035 Lincolnton Road
Salisbury, NC 28144**

**Novant Medical Group
Dr. Jessica Blumenthal
911 W. Henderson Street
Suite 300
Salisbury, NC 28144**

**Professional Bureau of Collections MD
5295 DTC Pkwy
Englewood, CO 80111**

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Englewood, CO 80111**

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5295 DTC Pkwy
Englewood, CO 80111**

**Rowan Regional Medical Center
612 Mocksville Avenue
Salisbury, NC 28144**

**Salisbury Anesthesiology Pain Consultant
P.O. Box 24757
Winston-Salem, NC 27144**

**State Employees Credit Union
P.O. Box 1085
Salisbury, NC 28145-1085**

**TNB-Visa
P.O. Box 673
Minneapolis, MN 55440-0673**

United Recovery System, LP
P.O. Box 722929
Houston, TX 77272-2929

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Verizon Wireless
P.O. Box 105378
Atlanta, GA 30348

Date: September 28, 2009

/s/ Brian P. Hayes
Brian P. Hayes 27017